1	EDMUND G. BROWN JR.
2	Attorney General of California GLORIA A. BARRIOS
3	Supervising Deputy Attorney General M. TRAVIS PEERY
4	Deputy Attorney General State Bar No. 261887
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013
6	Telephone: (213) 897-0962 Facsimile: (213) 897-2804
7	Attorneys for Complainant
8	BEFORE THE BOARD OF REGISTERED NURSING DEPARTMENT OF CONSTRAINT
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
10	
11	In the Matter of the Accusation Against: Case No. 2011-31
12	GUY MILLIGAN BRASWELL, JR. 565 Via Casitas #13
13	Greenbrae, CA 94904 Registered Nurse No. 346612 A C C U S A T I O N
14	Respondent.
15	
16	Complainant alleges:
17	PARTIES
18	1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
19	official capacity as the Interim Executive Officer of the Board of Registered Nursing, Department
20	of Consumer Affairs.
21	2. On or about August 31, 1982, the Board of Registered Nursing issued Registered
22	Nurse Number 346612 to Guy Milligan Braswell, Jr. (Respondent). The Registered Nurse was in
23	full force and effect at all times relevant to the charges brought herein and will expire on October
24	31, 2010, unless renewed.
25	<u>JURISDICTION</u>
26	3. This Accusation is brought before the Board of Registered Nursing (Board),
27	Department of Consumer Affairs, under the authority of the following laws. All section
28	references are to the Business and Professions Code unless otherwise indicated.

STATUTORY PROVISIONS

- 4. Section 2750 of the Business and Professions Code (Code) provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.
- 5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811(b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.
 - 6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- "(a) Unprofessional conduct, which includes, but is not limited to, the following:
- "(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United

States, by any other government agency, or by another California health care professional

licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that

COST RECOVERY

7. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

action."

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CAUSE FOR DISCIPLINE

(Out of State Discipline)

8. Respondent is subject to disciplinary action under section 2761, subdivision (a)(4), in that effective March 8, 2005, before the Eligibility and Disciplinary Committee of the Board of Nurse Examiners of the State of Texas, in the case entitled, *In the Matter of Permanent Certificate Number 453323 Issued to Guy Milligan Braswell, Jr.*, attached hereto as **Exhibit A**, Respondent's Texas Nursing License Number 453323 which was issued on June 11, 1980, was revoked. The circumstances are as follows:

On or about June 22, 2004, while employed with South Austin Hospital, Austin, Texas, Respondent passed a fraudulent, unauthorized prescription for lab tests for Mumps, Measles, Rubella, Variulla, and Titer to the South Austin Hospital Laboratory for himself under the name of Diana Horton, M.D. Respondent's conduct was likely to deceive the laboratory.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 1. Revoking or suspending Registered Nurse Number 346612, issued to Guy Milligan Braswell, Jr.;
- 2. Ordering Guy Milligan Braswell, Jr. to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and
 - 3. Taking such other and further action as deemed necessary and proper.

DATED: July 9, 2010

LOUISE R. BAILEY, M.ED., RN

Interim Executive Officer Board of Registered Nursing

Department of Consumer Affairs

State of California Complainant

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